

# EXHIBIT 8

**RE: PUBLIC DISCLOSURE REQUEST**

**From: Bushnell, Jill (MIL)**

(Jill.Bushnell@mil.wa.gov)

**Sent:** Thu 5/01/08 6:59 PM

**To:** john worthington

(worthingtonjw2u@hotmail.com)

**Dear Mr. Worthington,**

**The Military Department has no state records responsive to your request dated April 25, 2008. The Washington National Guard Counter Drug Task Force (CDTF) is a federal program of federal employees that produce federal records. The Washington National Guard judge advocate general confirmed that the CDTF did not share any reports such as those your requested with state employees or state programs, and that the state has never owned, used, prepared, or maintained records responsive to your request.**

**RE: PUBLIC DISCLOSURE REQUEST**

From: **Bushnell, Jill (MIL)** (Jill.Bushnell@mil.wa.gov)  
Sent: Thu 5/01/08 11:59 AM  
To: john worthington (worthingtonjw2u@hotmail.com)

Dear Mr. Worthington,

The Military Department has no state records responsive to your request dated April 25, 2008. The Washington National Guard Counter Drug Task Force (CDTF) is a federal program of federal employees that produce federal records. The Washington National Guard judge advocate general confirmed that the CDTF did not share any reports such as those your requested with state employees or state programs, and that the state has never owned, used, prepared, or maintained records responsive to your request.

You may address requests for federal Washington National Guard records pursuant to the Freedom of Information Act (FOIA) to Major Matthew Cooper at [matthew.cooper@us.army.mil](mailto:matthew.cooper@us.army.mil).

Sincerely,

Jill Bushnell  
Homeland Security Strategic Planning Manager  
Public Records Officer  
Washington Military Department  
(253) 512-8110  
(253) 606-2327 Cell  
(253) 512-8497 Fax  
[jill.bushnell@mil.wa.gov](mailto:jill.bushnell@mil.wa.gov)

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**From:** Bushnell, Jill (MIL)  
**Sent:** Tuesday, April 29, 2008 9:02 AM  
**To:** john worthington  
**Subject:** RE: PUBLIC DISCLOSURE REQUEST

Dear Mr. Worthington:

I received your public records request dated April 25, 2008. The Military Department is searching for any potentially responsive state records. I expect to further respond to you by Friday, May 9, 2008.

Sincerely,

Jill Bushnell  
Homeland Security Strategic Planning Manager  
Public Records Officer  
Washington Military Department  
(253) 512-8110  
(253) 606-2327 Cell  
(253) 512-8497 Fax  
[jill.bushnell@mil.wa.gov](mailto:jill.bushnell@mil.wa.gov)

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**From:** john worthington [<mailto:worthingtonjw2u@hotmail.com>]

# POSSE COMITATUS ACT

**20 Stat. L., 145**

**June 18, 1878**

CHAP. 263 - An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes.

SEC. 15. From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section And any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding ten thousand dollars or imprisonment not exceeding two years or by both such fine and imprisonment.

10 U.S.C. (United States Code) 375

Sec. 375. Restriction on direct participation by military personnel:

The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.

18 U.S.C. 1385

Sec. 1385. Use of Army and Air Force as posse comitatus

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.

SENT AND MAILED  
10-24-02

**WASHINGTON NATIONAL GUARD**  
**COUNTERDRUG TASK FORCE**  
**CAMP MURRAY**  
**TACOMA, WASHINGTON 98430-5063**

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**THE WASHINGTON NATIONAL GUARD**  
**AND**  
**CLARK/SKAMANIA DRUG TASK FORCE**

**SUBJECT:** Military Support and assistance to Federal, State, and Local Law Enforcement Agencies in Drug-Interdiction and Counter-Narcotic activities.

1. Purpose. This Memorandum of Understanding (MOU) prescribes the procedures and guidelines for cooperation between the Clark/Skamania Drug Task Force and the Washington National Guard (WNG) while executing Counterdrug Task Force (CDTF) Ground and Aviation missions.

2. Authority: Washington National Guard involvement in drug interdiction and counter-narcotics activities is authorized by, and shall be consistent with, Washington State law as certified by the Attorney General of Washington. Washington National Guard Counterdrug support is federally funded, and is, therefore, also authorized and regulated by National Guard Regulation (AR) 500-2/ National Guard Regulation (AF) 55-06 to the extent these federal regulations do not conflict with Washington State law. The Washington National Guard enters into this support agreement pursuant to such authority and the Washington State plan for Counterdrug support activities.

3. Definitions: The term Law Enforcement Agency (LEA) is defined as an organization, or a coordinating council comprised of several LEA's empowered by local, state, or Federal law to investigate, enforce or prosecute criminal law regarding drugs and controlled substances. The above agency is hereafter named the LEA for this MOU. The term National Guard (NG) includes the Army and Air National Guard of the state of Washington.

4. Program. The Washington National Guard is a reserve component of the armed forces. In a non-federalized status, the Washington National Guard is commanded by the Governor of the state of Washington and is not subject to the provisions of the Posse Comitatus Act. The National Guard's role in Counterdrug support activities is to provide support to LEA's that request assistance. National Guard personnel and equipment may be deployed on approved missions to support Counterdrug activities of federal, state and local LEA's.

5. Missions: The Washington National Guard support missions will include the following:

**MISSION CATEGORY # 1 – Program Management**

Mission 1. Counterdrug Coordination, Liaison, and Management – Plan and coordinate state Counterdrug supply and demand reduction support, establish liaison with supported LEA's and other community organizations, resource and manage personnel and equipment requirements for

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8 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**  
**IN AND FOR THE COUNTY OF PIERCE**

9 JOHN WORTHINGTON,

No. 08-2-09119-3

10 Plaintiff,

**DEFENDANT'S ANSWERS  
AND RESPONSE TO  
PLAINTIFF WORTHINGTON'S  
INTERROGATORIES AND  
REQUESTS FOR  
PRODUCTION OF  
DOCUMENTS**

11 v.

12 WASHINGTON MILITARY  
DEPARTMENT,

13 Defendant.

14 Defendant responds to Plaintiff's Interrogatories and Requests for Production of  
15 Documents as follows:

16 General Objection

17 Defendant objects generally to Plaintiff's prefatory instructions and definitions to the  
18 extent they purport to require more than the Civil Rules of Procedure require. Defendant  
19 neither stipulates nor agrees to the definitions and instructions contained in Plaintiff's  
20 Interrogatories and Requests for Production of Documents. All responses below are given  
21 without waiving this general objection, and are made pursuant to CR 26(g).  
22

23 **INTERROGATORY ANSWERS**

24 **INTERROGATORY NO. 1:** Please identify each and every person who participated in  
25 responding to these interrogatories and document requests. In answering this interrogatory  
26 please also state his/her relationship to the Defendant.

DEFENDANT'S ANSWERS AND  
RESPONSE TO PLAINTIFF  
WORTHINGTON'S INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF  
DOCUMENTS

1

ATTORNEY GENERAL OF WASHINGTON  
Government Operations Division  
7141 Cleanwater Drive SW  
PO Box 40108  
Olympia, WA 98504-0108  
(360) 586-3636



1 **ANSWER:** Without waiving any objections or privileges, the persons identified in answer  
2 to Interrogatory No. 2 participated in responding.

3 **INTERROGATORY NO. 2:** Please identify each and every person who has personal  
4 knowledge of the facts set forth in the Complaint.

5 **ANSWER:** Because Plaintiff filed an Amended Complaint, in responding to this discovery  
6 Defendant assumes the references to "Plaintiff's Complaint" means "Plaintiff's Amended  
7 Complaint". The following Washington Military Department state employees have personal  
8 knowledge of at least some of the facts alleged in Plaintiff's Amended Complaint:

9 Jill Bushnell, Washington Military Department, Public Records Officer; Washington Military  
10 Department Bldg. 1 Camp Murray WA 98430;

11 Nancy Bickford, Washington Military Department, Special Assistant to the Director and  
12 supervisor of Jill Bushnell; Washington Military Department Bldg. 1 Camp Murray WA  
13 98430;

14 Major General Timothy J. Lowenberg, as Adjutant General and Director of the Washington  
15 Military Department; Washington Military Department Bldg. 1 Camp Murray WA 98430.

16 **INTERROGATORY NOS. 3-6: FLIGHT LOGS**

17 **INTERROGATORY NO. 3:** Please describe the process(es) by which flight logs are  
18 created, modified, received, used, processed, stored, archived and/or destroyed, and identify  
19 any policies, procedures, manuals or other records that relate to your answer.

20 **ANSWER:** The requested "flight logs", if they exist, are not state public records (i.e., they  
21 are not writings containing information relating to the conduct of government or the  
22 performance of any governmental or proprietary function that are prepared, owned, used, or  
23 retained by the Washington Military Department, a state agency); therefore the Washington  
24 Military Department cannot answer this Interrogatory.

25 **INTERROGATORY NO. 4:** Please identify the persons who create, modify, receive,  
26 use, process, store, archive and/or destroy flight logs.

**ANSWER:** The requested "flight logs", if they exist, are not state public records (i.e., they  
are not writings containing information relating to the conduct of government or the  
performance of any governmental or proprietary function that are prepared, owned, used, or  
retained by the Washington Military Department, a state agency); therefore the Washington  
Military Department cannot answer this Interrogatory.

**INTERROGATORY NO. 5:** Please describe the quantity, organization, form and precise physical location of the flight logs on or about December 14, 2007.

**ANSWER:** The requested "flight logs", if they exist, are not state public records (i.e., they are not writings containing information relating to the conduct of government or the performance of any governmental or proprietary function that are prepared, owned, used, or retained by the Washington Military Department, a state agency); therefore the Washington Military Department cannot answer this Interrogatory.

**INTERROGATORY NO. 6:** Please describe the quantity, organization, form and precise physical location of the flight logs on or about September 4, 2009.

**ANSWER:** The requested "flight logs", if they exist, are not state public records (i.e., they are not writings containing information relating to the conduct of government or the performance of any governmental or proprietary function that are prepared, owned, used, or retained by the Washington Military Department, a state agency); therefore the Washington Military Department cannot answer this Interrogatory.

**INTERROGATORY NOS. 7-10: COUNTERDRUG SUPPORT REQUESTS**

**INTERROGATORY NO. 7:** Please describe the process(es) by which counterdrug support requests are created, modified, received, used, processed, stored, archived and/or destroyed, and identify any policies, procedures, manuals or other records that relate to your answer.

**ANSWER:** The requested "counterdrug support requests", if they exist, are not state public records (i.e., they are not writings containing information relating to the conduct of government or the performance of any governmental or proprietary function that are prepared, owned, used, or retained by the Washington Military Department, a state agency); therefore the Washington Military Department cannot answer this Interrogatory.

**INTERROGATORY NO. 8:** Please identify the persons who create, modify, receive, use, process, store, archive and/or destroy counterdrug support requests.

**ANSWER:** The requested "counterdrug support requests", if they exist, are not state public records (i.e., they are not writings containing information relating to the conduct of government or the performance of any governmental or proprietary function that are prepared, owned, used, or retained by the Washington Military Department, a state agency); therefore the Washington Military Department cannot answer this Interrogatory.

**INTERROGATORY NO. 9:** Please describe the quantity, organization, form and precise physical location of the counterdrug support requests on or about February 19, 2008.



1 **ANSWER:** The requested "counterdrug support requests", if they exist, are not state public  
 2 records (i.e., they are not writings containing information relating to the conduct of  
 3 government or the performance of any governmental or proprietary function that are prepared,  
 4 owned, used, or retained by the Washington Military Department, a state agency); therefore the  
 5 Washington Military Department cannot answer this Interrogatory.

6 **INTERROGATORY NO. 10:** Please describe the quantity, organization, form and  
 7 precise physical location of the counterdrug support requests on or about September 4, 2009.

8 **ANSWER:** The requested "counterdrug support requests", if they exist, are not state public  
 9 records (i.e., they are not writings containing information relating to the conduct of  
 10 government or the performance of any governmental or proprietary function that are prepared,  
 11 owned, used, or retained by the Washington Military Department, a state agency); therefore  
 12 the Washington Military Department cannot answer this Interrogatory.

13 **INTERROGATORY NOS. 11-14: MEMORANDA OF UNDERSTANDING**

14 **INTERROGATORY NO. 11:** Please describe the process(es) by which memoranda of  
 15 understanding are created, modified, received, used, processed, stored, archived and/or  
 16 destroyed, and identify any policies, procedures, manuals or other records that relate to your  
 17 answer.

18 **ANSWER:** The requested "memoranda of understanding", if they exist, are not state public  
 19 records (i.e., they are not writings containing information relating to the conduct of  
 20 government or the performance of any governmental or proprietary function that are prepared,  
 21 owned, used, or retained by the Washington Military Department, a state agency); therefore the  
 22 Washington Military Department cannot answer this Interrogatory.

23 **INTERROGATORY NO. 12:** Please identify the persons who create, modify, receive,  
 24 use, process, store, archive and/or destroy memoranda of understanding.

25 **ANSWER:** The requested "memoranda of understanding", if they exist, are not state public  
 26 records (i.e., they are not writings containing information relating to the conduct of  
 government or the performance of any governmental or proprietary function that are prepared,  
 owned, used, or retained by the Washington Military Department, a state agency); therefore the  
 Washington Military Department cannot answer this Interrogatory.

**INTERROGATORY NO. 13:** Please describe the quantity, organization, form and  
 precise physical location of the memoranda of understanding on or about April 12, 2008, and  
 May 31, 2008.

1 **ANSWER:** The requested "memoranda of understanding", if they exist, are not state public  
 2 records (i.e., they are not writings containing information relating to the conduct of  
 3 government or the performance of any governmental or proprietary function that are prepared,  
 4 owned, used, or retained by the Washington Military Department, a state agency); therefore the  
 5 Washington Military Department cannot answer this Interrogatory.

6 **INTERROGATORY NO. 14:** Please describe the quantity, organization, form and  
 7 precise physical location of the memoranda of understanding on or about September 4, 2009.

8 **ANSWER:** The requested "memoranda of understanding", if they exist, are not state public  
 9 records (i.e., they are not writings containing information relating to the conduct of  
 10 government or the performance of any governmental or proprietary function that are prepared,  
 11 owned, used, or retained by the Washington Military Department, a state agency); therefore  
 12 the Washington Military Department cannot answer this Interrogatory.

13 **INTERROGATORY NOS. 15-18: SITUATION REPORTS**

14 **INTERROGATORY NO. 15:** Please describe the process(es) by which situation reports  
 15 are created, modified, received, used, processed, stored, archived and/or destroyed, and  
 16 identify any policies, procedures, manuals or other records that relate to your answer.

17 **ANSWER:** The requested "situation reports", if they exist, are not state public records (i.e.,  
 18 they are not writings containing information relating to the conduct of government or the  
 19 performance of any governmental or proprietary function that are prepared, owned, used, or  
 20 retained by the Washington Military Department, a state agency); therefore the Washington  
 21 Military Department cannot answer this Interrogatory.

22 **INTERROGATORY NO. 16:** Please identify the persons who create, modify, receive,  
 23 use, process, store, archive and/or destroy situation reports.

24 **ANSWER:** The requested "situation reports", if they exist, are not state public records (i.e.,  
 25 they are not writings containing information relating to the conduct of government or the  
 26 performance of any governmental or proprietary function that are prepared, owned, used, or  
 retained by the Washington Military Department, a state agency); therefore the Washington  
 Military Department cannot answer this Interrogatory.

**INTERROGATORY NO. 17:** Please describe the quantity, organization, form and  
 precise physical location of the situation reports on or about April 12, 2008, and April 25,  
 2008.

**ANSWER:** The requested "situation reports", if they exist, are not state public records (i.e.,  
 they are not writings containing information relating to the conduct of government or the  
 performance of any governmental or proprietary function that are prepared, owned, used, or

1 retained by the Washington Military Department, a state agency); therefore the Washington  
2 Military Department cannot answer this Interrogatory.

3 **INTERROGATORY NO. 18:** Please describe the quantity, organization, form and  
4 precise physical location of the situation reports on or about September 4, 2009.

5 **ANSWER:** The requested "situation reports", if they exist, are not state public records (i.e.,  
6 they are not writings containing information relating to the conduct of government or the  
7 performance of any governmental or proprietary function that are prepared, owned, used, or  
8 retained by the Washington Military Department, a state agency); therefore the Washington  
9 Military Department cannot answer this Interrogatory.

10 **INTERROGATORY NOS. 19-22: AFTER ACTION REPORTS**

11 **INTERROGATORY NO. 19:** Please describe the process(es) by which after action  
12 reports are created, modified, received, used, processed, stored, archived and/or destroyed, and  
13 identify any policies, procedures, manuals or other records that relate to your answer.

14 **ANSWER:** The requested "after action reports", if they exist, are not state public records  
15 (i.e., they are not writings containing information relating to the conduct of government or the  
16 performance of any governmental or proprietary function that are prepared, owned, used, or  
17 retained by the Washington Military Department, a state agency); therefore the Washington  
18 Military Department cannot answer this Interrogatory.

19 **INTERROGATORY NO. 20:** Please identify the persons who create, modify, receive,  
20 use, process, store, archive and/or destroy after action reports.

21 **ANSWER:** The requested "after action reports", if they exist, are not state public records  
22 (i.e., they are not writings containing information relating to the conduct of government or the  
23 performance of any governmental or proprietary function that are prepared, owned, used, or  
24 retained by the Washington Military Department, a state agency); therefore the Washington  
25 Military Department cannot answer this Interrogatory.

26 **INTERROGATORY NO. 21:** Please describe the quantity, organization, form and  
precise physical location of the after action reports on or about April 25, 2008.

**ANSWER:** The requested "after action reports", if they exist, are not state public records  
(i.e., they are not writings containing information relating to the conduct of government or the  
performance of any governmental or proprietary function that are prepared, owned, used, or  
retained by the Washington Military Department, a state agency); therefore the Washington  
Military Department cannot answer this Interrogatory.

**INTERROGATORY NO. 22:** Please describe the quantity, organization, form and  
precise physical location of the after action reports on or about September 4, 2009.

1 **ANSWER:** The requested "after action reports", if they exist, are not state public records  
 2 (i.e., they are not writings containing information relating to the conduct of government or the  
 3 performance of any governmental or proprietary function that are prepared, owned, used, or  
 4 retained by the Washington Military Department, a state agency); therefore the Washington  
 5 Military Department cannot answer this Interrogatory.

6 **INTERROGATORY NO. 23:** Please state whether Col. Jerry Kosierowski is still the  
 7 Counterdrug Coordinator for the Washington National guard. If not, please identify the current  
 8 Counterdrug Coordinator.

9 **ANSWER:** Although Col. Jerry Kosierowski is not a state employee of the Washington  
 10 Military Department, Defendant believes he is the Counterdrug Coordinator for the  
 11 Washington National Guard Counterdrug Task Force.



12 **INTERROGATORY NO. 24:** Please describe the actions taken and decisions made by  
 13 Maj. General Timothy Lowenberg with respect to plaintiff's requests for records. Please  
 14 specify whether the actions were taken and/or decisions were made by Maj. General Timothy  
 15 Lowenberg in a Title 10 status, Title 32 status, and/or as a civilian employee.

16 **ANSWER:** Major General Timothy J. Lowenberg, as Adjutant General and director of the  
 17 Washington Military Department, state employee, did not take action or make decisions in  
 18 responding to Plaintiff's four public disclosure requests that are the subject of this litigation.

19 **INTERROGATORY NO. 25:** Please describe the actions taken and decisions made by  
 20 Col. Jerry Kosierowski with respect to plaintiff's requests for records. Please specify whether  
 21 the actions were taken and/or decisions were made by Col. Jerry Kosierowski in a Title 10  
 22 status, Title 32 status, and/or as a civilian employee.

23 **ANSWER:** Col. Jerry Kosierowski is not a state employee of the Washington Military  
 24 Department.

25 **INTERROGATORY NO. 26:** Please describe the actions taken and decisions made by  
 26 Lt. Colonel Nancy Reid with respect to plaintiff's requests for records. Please specify whether  
 the actions were taken and/or decisions were made by Lt. Colonel Nancy Reid in a Title 10  
 status, Title 32 status, and/or as a civilian employee.

**ANSWER:** Lt. Colonel Nancy Reid is not a state employee of the Washington Military  
 Department.

**INTERROGATORY NO. 27:** Please describe the actions taken and decisions made by  
 Maj. Thomas W. Muehleisen with respect to plaintiff's requests for records. Please specify  
 whether the actions were taken and/or decisions were made by Maj. Thomas W. Muehleisen in  
 a Title 10 status, Title 32 status, and/or as a civilian employee.



1 **ANSWER:** Maj. Thomas W. Muehleisen is not a state employee of the Washington Military  
2 Department.

3 **INTERROGATORY NO. 28:** Please describe the actions taken and decisions made by  
4 Maj. Matthew Cooper with respect to plaintiff's requests for records. Please specify whether  
5 the actions were taken and/or decisions were made by Maj. Matthew Cooper in a Title 10  
6 status, Title 32 status, and/or as a civilian employee.

7 **ANSWER:** Maj. Matthew Cooper is not a state employee of the Washington Military  
8 Department.

9 **INTERROGATORY NO. 29:** Please describe the actions taken and decisions made by  
10 Sherri Potts with respect to plaintiff's requests for records. Please specify whether the actions  
11 were taken and/or decisions were made by Sherri Potts in a Title 10 status, Title 32 status,  
12 and/or as a civilian employee.

13 **ANSWER:** Sherri Potts is not a state employee of the Washington Military Department.

14 **INTERROGATORY NO. 30:** Please describe the actions taken and decisions made by  
15 Jill Bushnell with respect to plaintiff's requests for records. Please specify whether the actions  
16 were taken and/or decisions were made by Jill Bushnell in a Title 10 status, Title 32 status,  
17 and/or as a civilian employee.

18 **ANSWER:** Jill Bushnell, Public Records Officer for the Washington Military Department,  
19 state employee, reviewed the Plaintiff's four public disclosure requests that are the subject of  
20 this litigation, timely acknowledged the requests, and communicated with Plaintiff regarding  
21 the requests; consulted with the Assistant Attorney General for the Washington Military  
22 Department; consulted with Major Matthew Cooper, Washington Army National Guard Full-  
23 Time Judge Advocate, and Col. Jerry Kosierowski, Washington Army National Guard  
24 Counterdrug Coordinator, regarding each request and was informed by them that the records  
25 described in each of the four requests is a federal record that has not been and will not be  
26 provided to the Washington Military Department and is not in the possession of the  
Washington Military Department, these records are only prepared, owned, used and retained  
by the National Guard in its federal role as federal records in federal possession pursuant to  
federal law and regulations, and under federal law and regulations these records were not, are  
not, and would not be prepared, owned, used or retained by the Washington Military  
Department; and, timely responded to Plaintiff that the Washington Military Department had  
no responsive public records.

**INTERROGATORY NO. 31:** Please describe the actions taken and decisions made by  
Nancy Bickford with respect to plaintiff's requests for records. Please specify whether the  
actions were taken and/or decisions were made by Nancy Bickford in a Title 10 status, Title 32  
status, and/or as a civilian employee.

**ANSWER:** Nancy Bickford, Special Assistant to the Director of the Washington Military Department, state employee, supervisor of Jill Bushnell, did not take action or make decisions in responding to Plaintiff's four public disclosure requests that are the subject of this litigation.

**INTERROGATORY NO. 32:** Please describe the actions taken and decisions made by Sara Finlay with respect to plaintiff's requests for records. Please specify whether the actions were taken and/or decisions were made by Sara Finlay in a Title 10 status, Title 32 status, and/or as a civilian employee.

**ANSWER:** Objection. Sara Finlay is an Assistant Attorney General representing the Washington Military Department. This interrogatory requests information that is privileged attorney client communication and privileged attorney work product.

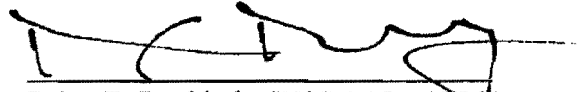
### REQUEST FOR PRODUCTION OF DOCUMENTS

**REQUEST FOR PRODUCTION NO. 1:** Please produce all documents identified in your answers to the Interrogatories above. This request does *not* include the records that are the subject matter of this litigation.

**RESPONSE:** Any documents responsive to this Request For Production have previously been identified and included in the Washington Military Department's response to Plaintiff counsel's public record request dated August 8, 2008, and are not being duplicated here.

ANSWERS AND RESPONSES DATED this 9<sup>th</sup> day of Feb., 2010.

By:

  
Brian E. Buchholz, WSBA No. 17564  
Attorney for Washington Military Department

### CERTIFICATION

Jill Bushnell declares that he/she has read the foregoing responses to interrogatories, knows the contents thereof and believes the same to be true.

Signed this 8<sup>th</sup> day of February, 2010, at Thurston County, Washington





**PROOF OF SERVICE**

I declare that I served a copy of this document on Plaintiff's counsel of record on the date below as follows:


☒ US Mail Postage Prepaid via Consolidated Mail Service

William John Crittenden  
Attorney at Law  
927 North Northlake Way, Suite 301  
Seattle, WA 98103

☒ Electronic delivery by email to William John Crittenden at  
wjcrittenden@comcast.net

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 9<sup>th</sup> day of February, 2010, at Olympia, Washington.

  
SUKI BELL  
Legal Assistant